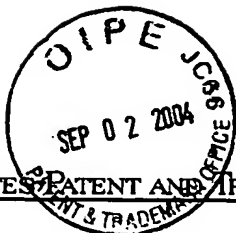




UNITED STATES PATENT AND TRADEMARK OFFICE



09-03-04
Page 1 of 2
JFW #

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/660,453	09/11/2003	Lutz Biedermann	7948/15

00757
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

CONFIRMATION NO. 4926

FORMALITIES LETTER



OC000000013149670

Date Mailed: 07/06/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

09/07/2004 MMEKONEN 00000092 10660453

01 FC:1001	770.00 DP
02 FC:1051	130.00 DP

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be 'H. V. M.', is written above a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



EXPRESS MAIL "POST OFFICE TO ADDRESSEE" SERVICE
DEPOSIT INFORMATION

Express Mail Label No.: EV 325 994 116 US

Date of Deposit: September 2, 2004

BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: L. Biedermann et al.
Appln. No.: 10/660,453
Filed: September 11, 2003
For: Space Keeper For Vertebrae Or
Intervertebral Disks

Examiner:
Art Unit:

Attorney Docket No: 7948/15

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Checks for \$900 (Missing Parts) and \$40 (Assignment); Transmittal Letter (in duplicate); Response to Notice to File Missing Parts (in duplicate); Copy of Notice to File Missing Parts; Declaration; Assignment Recordation Cover Sheet; Assignment; Information Disclosure Statement; PTO Form 1449; One Copy of References A1-A12
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

- ☒ Two checks in the amounts of \$900 and \$40 are enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

9/2/04
Date

Timothy P. Lucier (Reg. No. 44,882)

"Express Mail" mailing label number EV 325 994 116 US

Date of Deposit: September 2, 2004



Case No. 7948/15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

L. Biedermann et al.

Serial No.: 10/660,453

Filed: September 11, 2003

For: SPACE KEEPER FOR
VERTEBRAE OR
INTERVERTEBRAL
DISKS

Attention: Manager,
Application Branch

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn.:

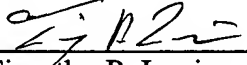
Dear Sir:

In accordance with the Notification of Missing Requirements of Application Filing Date Granted dated July 6, 2004, a copy of which is attached, enclosed herewith for filing are the following documents:

- ☒ Fully executed Declaration for Patent Application and Power of Attorney for the above-referenced patent application.
- ☒ Applicant is:
 - ☐ a small entity, verified statement is:
 - ☐ attached
 - ☐ already filed
 - ☒ other than small entity
- ☒ Checks totaling \$990 for:

- ☒ Filing Fee of \$770.
- ☒ Surcharge of \$130.
- ☒ Additional Claim Fees of \$____.
- ☐ Petition for Extension of Time (37 C.F.R. § 1.136(a)) to file missing parts (in duplicate).
- ☒ Other: Check for \$40.00; Assignment Recordation Cover Sheet; Assignment; Information Disclosure Statement; PTO Form 1449; One Copy of References A1-A12.
- ☒ The Commissioner is hereby authorized to charge any deficiencies in fees or credit overpayment to Deposit Account No. 23-1925. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Dated: 9/2/04 
Timothy P. Lucier
Registration No. 44,882
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610
(312)321-4200